

REMARKS

The Office Action dated May 12, 2003, and the references cited therein along with the Advisory Action dated July 29, 2003, have been carefully considered. In response, the applicant has submitted amended independent claims (claims 82, 86 and 92) which the applicant believes are distinguishable and non-obvious in view of the prior art. Specifically, the applicant does not believe that the prior art discloses a gaming system that simulates a knowledge based game by displaying a question and a plurality of related answers in the format of the knowledge based game but not actually allowing the player to use knowledge to select an answer as the answers are electronically selected and where the value assigned to the player is independent of the knowledge of the player.

In contrast, the Vancura reference (U.S. pub. no. US 2001/0038178 A1) discloses a game where a payout to the player is related to the knowledge of the player. For example, a player with perfect knowledge may obtain a 0 percent return from the game where a player with no knowledge may obtain a -8 percent return. Vancura discloses a range of payoffs and the player's payoff, while in the specified range, is related to the knowledge of the player with the idea being that a player with perfect knowledge should not be able to win excessively and a player with no knowledge should not be permitted to lose too much money.

The pending claims call for the return to be completely independent of the knowledge of the player. As an example, in a system according to the pending claims, a person could have perfect knowledge but still obtain a very negative reward. Further, a person with virtually no knowledge could obtain a relatively positive award. Accordingly, Vancura does not disclose the element of the award being independent of the knowledge of the player as written in the pending claims.


Moreover, it is submitted that the claims cannot be obvious in view of Vancura because modifying Vancura to award players amounts independent of their knowledge would be in conflict with the teachings of Vancura. Vancura is concerned with creating an award system with a ceiling and a floor where the award in the long run, on average, relates to the knowledge of the player. For example, according to Vancura, a player with no knowledge (a random event according to the Examiner) playing a Vancura type game will have a 50/50 chance of correctly answering a question (para. 0033), and by design, will receive a relatively worse reward as the game is designed to provide better rewards to those with better knowledge. In the claimed system, a player with no knowledge could receive any reward, including a very positive reward, as the reward is independent of the player's knowledge. Changing Vancura to provide an award irrespective of the players knowledge as described in the pending claims would go against the teachings of Vancura.

In conclusion, the applicant respectfully submits that all pending claims are novel and non-obvious and are in condition for allowance. In the light of the foregoing, the prompt issuance of a notice of allowance is respectfully solicited. Should the Examiner have any questions, she is respectfully invited to telephone the undersigned.

Respectfully submitted,

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